

REMARKS

In an Office Action mailed January 10, 2008 ("Office Action"), the Examiner rejected claims 1-58 under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter; rejected claims 1-5, 8-10, 12-14, 16, 18-19, 23-27, 30, 37, 39-40 and 42 under 35 U.S.C. §102(b) as being anticipated by non-patent literature reference titled "The Pan Language-Based Editing System," to Balance et al. ("*Pan*"); rejected claims 17 and 18 under 35 U.S.C. §103(a) as being unpatentable over *Pan* in view of U.S. Patent No. 5,513,305 to Maghbouleh ("*Maghbouleh*"); rejected claim 22 under 35 U.S.C. §103(a) as being unpatentable over *Pan* in view of non-patent literature reference titled "Web Management with Microsoft Visual SourceSafe 5.0," to Banick et al. ("*Visual SourceSafe*"); objected to claims 6, 7, 11, 12, 15, 20, 21, 28, 29 and 31-36 as having allowable subject matter but being dependent upon rejected base claims; and indicated that claims 23, 41, and 43-58 are allowable.

In response to the Office Action, Applicant amends claims 1, 3, 7, 11, 12, 15-17, 20-22, 24, 29, 31-36, 41, 42, and 44-58. No new matter has been added with these amendments. Further, Applicant cancels claims 2, 4-6, 26-28 and 43 without prejudice or disclaimer, thereby rendering the any rejection of these claims moot. After entry of this Amendment, claims 1, 3, 7-25, 29-42, and 44-58 remain pending. Applicant respectfully traverses the remaining rejections and requests reconsideration of the pending claims. In addition, Applicant does not necessarily agree with or acquiesce in the Examiner's characterization of the claims or the applied references, even if those characterizations are not addressed herein.

Rejections Under 35 U.S.C. §101

In the Office Action, the Examiner rejected claims 1-58 under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. In the Office Action, the Examiner explains as a basis for the rejection that the specification of the applications defines "the computer readable medium as a (CPP) carrier and signal with [sic] is a carrier wave and not

limited to hardware. Current policy does not allow claims to carrier waves or signals.” Office Action, p. 2. In response, Applicant points out that the claims as filed do not recite a “computer readable medium” but rather recite a “computer program product.” In the specification, the CPP is illustrated as being stored in memory 920. See Col. 4, paragraph [0050]. While not agreeing with the correctness of the rejections, and solely in the interest of furthering prosecution, Applicant has amended claims 24 and 41 to recite, *inter alia*, a “computer program product ... stored in memory...” (Emphasis added). Applicant submits that a computer program product stored on a physical memory is statutory subject matter under 35 U.S.C. §101. Accordingly, Applicant respectfully submits that amended claims 24 and 41 recite statutory subject matter under 35 U.S.C. §101 and therefore the rejection of these claims should be withdrawn.

Applicant further submits that contrary to the Examiner’s assertions, pending claims 1, 23, and 42 are directed to statutory subject matter under 35 U.S.C. §101. For example, claims 1 and 23 are directed to “[a] computer-implemented method for associating comments with source code...” Claim 42 is directed to “[a] computer system for associating comments with source code...” Accordingly, claims 1, 23, and 42 are not directed to a signal or a carrier wave as alleged by the Examiner. All other pending claims depend either directly or indirectly from one of claims 1, 23, 24, 41 or 42. Therefore, Applicant respectfully requests that the Examiner withdraw the rejections of pending claims 1, 3, 7-25, 29-42, and 44-58 under 35 U.S.C. §101.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 23, 41, and 43-58 are allowable. Applicant further thanks the Examiner for indicating that claims 6, 7, 11, 12, 15, 20, 21, 28, 29 and 31-36 are objected to as being dependent upon a rejected base claim, but would otherwise be allowable if rewritten in independent form including all of the limitations of their base claims and any intervening claims. Independent claim 1 has been amended to include all the limitations recited by claim 6 and any intervening claims. Independent claim 24 has been

amended to include all the limitations recited by claim 28. Independent claim 42 has been amended to include all the limitations recited by claim 43. All other claims depend either directly or indirectly from one of claims 1, 23, 24, 41 or 42. Accordingly, Applicant submits that pending claims 1, 3, 7-25, 29-42, and 44-58 are in condition for immediate allowance.

Conclusions

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of all pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: _____



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